

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TRUSTGARD INSURANCE COMPANY

Plaintiff,

v.

LYNN M. FAGAN, individually and d/b/a  
BRIGHT FUTURES SOBER LIVING  
HOMES and CHERYL LOCONTE,  
individually and as Administratrix of the  
ESTATE OF AMANDA M. LACONTE,

Defendants.

CIVIL ACTION NO. 3:18-CV-00714

(JUDGE CAPUTO)

**ORDER**

**NOW**, this 31<sup>st</sup> day of July, 2018, **IT IS HEREBY ORDERED** that:

- (1) Defendant Cheryl LoConte's Motion to Dismiss (*Doc. 13*) is **GRANTED** in part and **DENIED** in part.
  - (a) Defendant Cheryl LoConte's Motion to Dismiss is **DENIED** with respect to Counts I and II.
  - (b) Counts III, IV, V, and VI are **DISMISSED without prejudice**.

/s/ A. Richard Caputo

A. Richard Caputo  
United States District Judge